



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

DOUGLAS GREEN,
Petitioner,

vs.

WARDEN OF KIRKLAND
CORRECTIONAL INSTITUTION,
Respondent.

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Civil Action No. 1:19-cv-319-MGL

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING PETITIONER'S PETITION WITHOUT PREJUDICE
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS

Petitioner Douglas Green (Green), proceeding pro se, filed this matter as a petition for writ of habeas corpus (petition). This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Green's petition be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

On February 6, 2019, the Magistrate Judge ordered Green to pay the filing fee or complete an application to proceed *in forma pauperis*. ECF No. 5. Green was warned failure to comply with the court's order by February 27, 2019 may subject his case to dismissal. *Id.* Green failed to file a response. The Magistrate Judge issued a second order on March 4, 2019, again directing Green to pay the filing fee or file an application to proceed *in forma pauperis*, and warning Green

a failure to comply with the order by March 25, 2019 may subject his case to dismissal. ECF No. 9. Green again neglected to file a response.

Based on Green's failure to respond to this Court's February 6 and March 4, 2019, orders, the Court concludes Green does not intend to pursue this matter. As Green has failed to prosecute this case and failed to comply with this Court's orders, the case is dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-36 (1962).

To the extent Green requests a certificate of appealability from this Court, that certificate is **DENIED**.

IT IS SO ORDERED.

Signed this 17th day of April, 2019, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.